

DEC 04 2017

Sara J. Harms
Clerk of Court

IN THE DISTRICT COURT
COUNTY OF LOGAN
STATE OF COLORADO

Case Number 17SW151

ORDER OF COURT FOR NONTESTIMONIAL IDENTIFICATION

This matter coming on for determination, pursuant to Rule 41.1 of the Colorado Rules of Criminal Procedure, upon the affidavit of Jonathan Grusing, a Peace officer, in support of an application for issuance of an order authorizing the taking into custody for nontestimonial identification the following named individual, to wit:

THE COURT DOES FIND:

1. There was is probable cause to believe that the following offense has been committed, to wit:
2. That there are reasonable grounds, not amounting to probable cause to arrest, to suspect that the individual named or described above committed the offense; and,
3. That the results of the nontestimonial identification procedures requested will be of material aid in determining whether the individual named or described above committed the offense.

ACCORDINGLY, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. That the above named peace officer or any other peace officer of the State of Colorado is hereby authorized to take the above named or described individual into custody and conduct the nontestimonial identification procedures hereinafter specified:
2. That the nontestimonial identification procedures to be conducted are limited to identification by:
3. That if blood tests are authorized, the same shall be conducted under medical supervision.
4. That the above named peace officer or any other peace officer executing this Order is hereby ordered and directed to conduct the designated nontestimonial identification procedures expeditiously and to detain the above named or described individual for only such time as is necessary to obtain the nontestimonial identification; and
5. That this Order be executed and returned only within fourteen (14) days after the date hereof.

IT IS FURTHER ORDERED that this Order be executed in the daytime (or at anytime, it appearing to the Court that the above named or described suspect may flee the jurisdiction if the Order is not served forthwith.)

Dated this 4th day of December, 2017.

Amund G. Gjerde

Judge

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17sw 151
FILED IN COMBINED COURTS
LOGAN COUNTY, CO

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Sara J. Marmas
Clerk of Court

I, Special Agent Jonathan Grusing, Federal Bureau of Investigation, Denver Division, received the following affidavit from Brian Davis, an investigator with the state of Utah, on November 29, 2017. I know this information to be true to the best of my knowledge:

Your affiant, Agent Brian Davis, is employed by the Utah Department of Public Safety, State Bureau of Investigation and is currently assigned to the Major Crimes Unit. Your affiant has been given the responsibility to investigate general criminal offenses occurring in the State of Utah including but not limited to death investigation, officer involved critical incidents, fugitive apprehension, federal firearm violations, violent crimes, sex offenses, fraud, forgery, public corruption, and identity theft.

Your affiant has been a police officer since 1999, and has worked in a variety of assignments such as, State Trooper, Alcohol Enforcement Task Force, ATF Task Force, FBI Violent Crime/Gang Task Force, US Marshal Fugitive Task Force, Officer Involved Critical Incident Task Force, FBI Public Corruptions Task Force.

Your affiant has received a variety of continuous basic, and advanced training. This training includes: Advanced Drug Interdiction, Field Training Officer, Crime Scene, Interview and Interrogation, Fraudulent Document Recognition, National Liquor Law Academy, Narcotic Investigations, Gang Enforcement, Fugitive Apprehension, US Department of Justice-Firearms Trafficking, Homicide Investigations, Financial Investigations, Force Science Certified, and Children's Justice Center-Forensic Interviews for Child Victims.

Your affiant has investigated and assisted in a variety of investigations including homicides, violent crimes, fraud, forgery, theft, narcotic trafficking, interrogation of suspects, gang crimes, sexual assaults, and federal firearm and narcotic crimes.

PROBABLE CAUSE STATEMENT

On 20 April, 1998, an unidentified deceased female was found 38 miles from Lake Powell on Utah Highway 276 mile post 8, near Maidenwater Spring and Canyon Area, in Garfield County, UT. This victim still remains unidentified. Partial DNA was recovered from the victim and the Utah State Crime Lab requires a direct DNA sample for comparison.

The victim was meticulously covered and wrapped with multiple layers of various materials, and was tied up with a series of ropes having a unique system of complex knots. One of the materials was a rug with pictures of houses and roadways for children to play on.

The suspect in this investigation is Scott Lee Kimball DOB 9/21/1966. Kimball was convicted of four homicides and is currently serving a 70-year prison sentence at the Sterling Correctional

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Facility in Sterling, Colorado after pleading guilty in 2009 in the state of Colorado to two counts of homicide (Case number 2009CR1626) for the murders of Kaysi McLeod, 19; Jennifer Marcum, 25; LeAnn Emry, 24; and Kimball's uncle, Terry Kimball, 60. These homicides occurred in 2003 and 2004.

Although Kimball confessed to killing Jennifer Marcum, efforts by law enforcement to locate her remains were unsuccessful. Marcum remains missing and is presumed dead, while the other three bodies were recovered in remote Colorado and Utah locations.

Scott Kimball led investigators to the remains of LeAnn Emry, age 24, in a canyon near Whitewater, Utah. In February 2009, while leading investigators to Emry's remains, he said that he wrapped her in a rug and placed her on a rock shelf. No rug was found with Emry's remains, however. Investigators searched FBI databases and found the aforementioned unsolved case with the children's rug wrapped around the unidentified victim and contacted the Utah Department of Public Safety, informing them of Kimball's statement and possible involvement.

In July 2009, Terry Kimball was located in the mountains of Colorado near Vail Pass. He was tightly wrapped in a series of blankets and tarp which were held together by a complex series of knots, similar to the unidentified victim. The cause of death to Terry Kimball was similar to the cause of death of the unidentified female.

In 2011, Kimball told Colorado investigators that he killed twenty-one people, one of them being a hitchhiker on a bridge near Hite, Utah in 1998 or 1999. This site is about ten miles from the recovery site of the unidentified victim. This hitchhiker homicide could not be separately verified with the local sheriff's office. Kimball stated he had been at a family reunion in Bryce Canyon, Utah close to this time period.

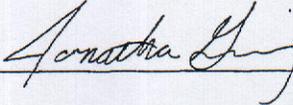
Colorado investigators interviewed family members of Kimball and showed them photos of the rug. Kimball's ex-wife and son stated that Kimball purchased a similar, if not identical rug in or around 1998 from a store in Spokane, Washington. Kimball's ex-wife stated that Kimball knew how to tie various types of complex knots.

Colorado investigators informed your affiant that Kimball was not in custody at the time of the homicide in April 1998. With these facts and statements, Scott Kimball is a suspect in the Utah case involving the unidentified female in 1998.

Based on the foregoing, I respectfully submit that there is probable cause for a search warrant authorizing the seizure of samples of Scott Kimball's DNA obtained from oral buccal swabs to be obtained for evidence comparison with the Utah 1998 case. I have read the above and

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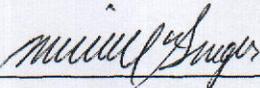
foregoing application and affidavit, and the statements therein contained are true to the best of my knowledge, information and belief.



Special Agent Jonathan Grusing

Subscribed and sworn to before me this 4th day of December, 2017.

The Court having reviewed the affidavit, finds probable cause to obtain a comparative sample of DNA from Scott Lee Kimball, inmate at the Sterling Correctional Facility in Sterling, Colorado.



JUDGE

IN THE DISTRICT COURT
COUNTY OF LOGAN
STATE OF COLORADO

Case Number 17SW151

RETURN OF SERVICE OF ORDER OF COURT FOR NONTESTIMONIAL
IDENTIFICATION

The undersigned officer, being authorized by law to execute Orders of Court for Nontestimonial Identification, within the County of Logan, State of Colorado, received the within Order of Court for Nontestimonial Identification on _____, 2017, and executed it as follows. On _____, 2017, at _____ o'clock, __ M, I contacted the person identified in the Order of Court for Nontestimonial Identification at:

and obtained from him/her identification in the form of _____

Signature of Officer